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ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

Progress report submitted by Mrs. Fatma-Zohra Ksentini, Special Rapporteur, pursuant to Commission resolution 1998/12

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Introduction

1. At its fifty-fourth session, the Commission on Human Rights, aware of the increasing rate of illicit movement and dumping by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes in African and other developing countries that do not have the national capacity to deal with them in an environmentally sound manner, which constitutes a serious threat to the human rights, to life, good health and a sound environment for everyone, decided, by its resolution 1998/12, to renew the mandate of the Special Rapporteur for a period of three years in order that she may:

(a) Continue to undertake, in consultation with the relevant United Nations bodies and organizations and the secretariats of relevant international conventions, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in and dumping of toxic and dangerous products and wastes, in particular in developing countries;

(b) Make concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

(c) Provide the Commission with information on persons killed, maimed or otherwise injured in the developing countries through the illicit movement and dumping of toxic and dangerous products and wastes;

(d) Continue to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report, and to have their observations reflected in her report to the Commission.

This progress report is accordingly submitted pursuant to this Commission resolution.

2. The Special Rapporteur has received contributions from the following Governments: Croatia, New Zealand and Turkey. The Governments of Canada, Germany, the Netherlands and the United States have communicated their observations on the allegations transmitted to them. The information referred to above is presented in sections II and III.

3. In accordance with the resolution of the Commission on Human Rights, the Special Rapporteur requested information from the Secretariat of the Basel Convention, the United Nations Environment Programme (UNEP), the International Atomic Energy Agency (IAEA), the Centre for International Crime Prevention and the Council of Europe. The replies received are summarized in section II of this report.

4. Communications were received from the following non-governmental organizations (NGOs): Greenpeace International, Earthjustice Legal Defense Fund, International Forum for Accessible Science, Natural Heritage Institute, Swords to Ploughshares, International Educational Development, International Federation of Chemical, Energy, Mine and General Workers' Unions, the International Federation of Human Rights and Human Rights Advocates. The Special Rapporteur also received information from the Council of Europe. In the case of general information these contributions are presented in section II and, in the case of allegations, in section III.

I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

5. From 26 to 29 May 1998 the Special Rapporteur participated in the fifth meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and the advisory services programme which was held at Geneva. Being in Geneva, she consulted representatives of Governments, NGOs and the Secretariat of the Basel Convention, as well as the Activities and Programmes Branch (APB) of the Office of the United Nations High Commissioner for Human Rights concerning its programme of work for the current year and the most suitable way of implementing the mandate entrusted to it.

6. Following her visit to Africa in August 1997, the Special Rapporteur decided to proceed to Latin America in order to acquaint herself with the experience and problems of that region. She visited Paraguay and Brazil during her first trip from 13 to 28 June, and subsequently (from 17 to 30 November 1998) proceeded to Costa Rica and Mexico. The report on her mission to Latin America is presented in the addendum to this report (E/CN.4/1999/46/Add.1).

II. SUMMARY OF GENERAL COMMENTS SUBMITTED TO THE SPECIAL RAPPORTEUR

A. Replies received from Governments

1. Croatia

7. The Croatian Government provided information on the way it has strengthened its legislation on the protection of the environment and the management of toxic waste.

8. The new Criminal Code, which came into force on 1 January 1998, contains a chapter on criminal offences against the environment which provides for the statutory regulation of the illicit movement and dumping of toxic and dangerous products and wastes. The offences listed are pollution of the environment (art. 250), threatening the environment with waste (art. 252) and importing radioactive and other dangerous wastes (art. 253). These offences have been brought into line with European legislative standards, derived from international environmental protection standards. For example, prison sentences of up to 10 years are envisaged for grave criminal offences which cause serious physical injury or seriously affect the health of persons, the death of one or more person, pollution that cannot be eliminated for an extended period of time, or an environmental disaster.

9. Hazardous waste management is governed by detailed laws and regulations intended to prevent the illegal movement and dumping of toxic products. Croatia is also a party to the Basel Convention, in accordance with which it has defined hazardous waste.

10. Moreover, Croatia subscribes to the principles embodied in the World Charter for Nature, the Declaration of the United Nations Conference on the Human Environment, the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes, the recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods, as

well as the relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies undertaken within other international organizations such as the European Community and regional organizations.

11. In that spirit, Croatia's basic waste management objectives are as follows:

(a) Application of measures to avoid and minimize the generation of waste and the hazardous nature of waste whose generation cannot be prevented;

(b) Prevention of uncontrolled waste management;

(c) Recovery of valuable substances for material purposes and energy recovery and their treatment prior to disposal;

(d) Waste disposal into landfills; and

(e) Remediation of waste-contaminated areas.

12. The "polluter pays" principle is generally applied at the domestic level. The import of waste for disposal or for energy recovery is prohibited, with the exception of waste that can be treated in an environmentally sound manner. All imports, exports and the transit of waste are supervised by the State Directorate for the Protection of Nature and the Environment.

13. As regards the generation of hazardous waste, Croatia mentions 17 types of waste produced by its mid-developed industry. No data on the amount of waste produced are yet available. Rough estimates, however, indicate that between 200,000 and 350,000 tonnes of hazardous waste are generated in the country each year.

14. Croatia has no official hazardous waste management strategy although a proposal drafted by the Hazardous Waste Management Agency (APO) is used as a basis in this respect. The proposed system is based on three or four central waste treatment and disposal, waste collection and pre-treatment facilities per district, and networks of one to six collection facilities per district.

15. The efforts made to reduce the generation of waste, and especially hazardous waste, have led to the establishment of the Initiative Committee for Cleaner Production whose objective is to develop basic facilities for cleaner production by using the professional installations and expertise which already exist in the Czech Republic. The project will be implemented in the framework of the UNIDO/UNEP programme for the establishment of national cleaner production centres and financed under the Multilateral Development Assistance Programme of the Czech Republic.

16. The environmentally sound management of hazardous waste is at present ensured by companies that generate waste, either through their own facilities or by temporarily storing the waste on company premises pending a final solution of the problem. A number of private companies responsible for collecting and transporting used oils for incineration in five existing oil-fuelled power plants were recently registered. The cement industry has

also shown interest in the use of waste oils as fuel. Even so, there are at present only a few incinerators with the necessary environmentally sound waste management facilities in Croatia.

17. Two main types of incinerators are available:

(a) "In-house" incinerators, which burn mainly solid waste; they are attached to various private companies and hospitals. Their total maximum capacity is approximately 10 tonnes per day. In any event, their capacity still falls well short of that required;

(b) A "public" incinerator operated under contract. It was constructed in 1997 and is at present undergoing tests. Its capacity will be 1.2 tonnes per hour and 28.8 tonnes per 24-hour period.

18. Croatia refers to the initiation of a hazardous waste generation, movement and disposal monitoring system, based on an inventory of hazardous waste, through the adoption and enactment of by-laws, the Code of Practice on Types of Wastes and the Code of Practice on the Inventory of Emissions in the Environment. Various other activities that have been planned for 1997 and have in part been completed include the organization of additional data-gathering, further database completion (registration lists input) and registration list processing, the annual elaboration of reports on hazardous wastes, communication with districts and feedback.

19. Croatia recalls, in connection with the export, import and transit of hazardous waste, that the import of hazardous waste is prohibited. No cases of illegal transboundary traffic in hazardous waste have been reported this year. Since it possesses no facilities for the recycling of dangerous or toxic wastes, its policy is focused mainly on the export of dangerous or toxic wastes to States possessing such facilities. However, the greatest problem in this respect is the high cost of such services abroad. During the past few years, various private companies have exported about 10 tonnes of PBCs and some 150 tonnes of equipment contaminated with PBCs for incineration abroad. In addition, exports of about 100 tonnes of galvanic sludge and a few tonnes of pharmaceutical and medical waste were recorded on several occasions.

2. New Zealand

20. The Government of New Zealand draws attention to the reasons why it opposed the proposal to amend the Basel Convention to ban all exports of hazardous wastes from OECD countries, the European Union and Liechtenstein to non-OECD countries; the proposal was adopted in September 1995 at the Conference of the Parties (decision III/1).

21. For a number of reasons, including its relatively lightly industrialized economy, New Zealand has no major vested interest in the movement of hazardous wastes. Its opposition to the ban amendment, although not extending to obstructing a final consensus, was based on the need for sound and effective policy development. The amendment was not a particularly direct or cost-effective way of addressing the problem of illegal traffic. At the third meeting of the Conference of the Parties, the New Zealand delegation argued that the amendment would fail to address the underlying issue of illegal trade

which, by definition, occurred outside of regulatory measures and could, by impeding efficient and effective disposal and recovery options, increase the risk of illicit dumping in a number of countries, including New Zealand. It is also concerned that the trade ban would still leave a growing and large area of trade in hazardous wastes (namely, that between developing countries) unregulated.

22. The other arguments presented by New Zealand against the trade-ban decision at the third meeting of the Conference of the Parties remain valid, namely:

(a) The ban is unnecessary. The Basel Convention already provides a mechanism for Parties to take steps to ban imports of hazardous wastes unilaterally. Many developing countries have already imposed import bans, particularly with regard to imports of waste for final disposal. The Convention also creates legal obligations for other Parties to prevent the export of wastes to countries which have imposed an import ban;

(b) The ban decision does not sufficiently explore less trade disruptive and less costly alternatives, such as strengthening the application of the Convention's existing Prior Informed Consent mechanism used to identify and prevent undesirable trade;

(c) The ban is likely to distort the aims of the Basel Convention, which focus on minimizing the generation of hazardous wastes and ensuring their environmentally sound management. The ban amendment is likely to prevent trade which contributes to the recycling of hazardous wastes and which is both environmentally sound and economically important. Moving from a Prior Informed Consent system to a prohibition on transboundary movements seems likely to encourage the increased use and extraction of virgin materials and may also, by reducing the market value of recyclable material, act as a disincentive to recycling;

(d) It is a poor precedent. The distinction between OECD and non-OECD countries is an inappropriate basis on which to establish a trade barrier, as it bears no necessary relationship to the capacity to deal appropriately with hazardous wastes.

23. The New Zealand Government has transmitted a copy of a non-paper that it submitted to the Conference of the Parties in September 1998. The paper describes four measures that could be used in addressing the problem of illegal trade, namely, the assignment of tariff items to List A materials (annex VIII); the enhancement of capacity-building and training; enhancement of the role of regional centres; and the formulation of a database (this non-paper may be consulted in the Office of the High Commissioner for Human Rights).

24. The Government of New Zealand states that it welcomes any initiatives that result in practical assistance to Parties in implementing the Convention, particularly in the area of national capacity-building to control illegal trade. It also supports exchanges of information and is of the view that,

when considering issues relating to illegal traffic/trade, a distinction needs to be drawn between deliberate evasion of domestic legislation or international agreements (i.e. the Basel Convention) and inadvertent illegal traffic due to error or ignorance.

3. Turkey

25. Article 8 of Environment Law No. 2872 prohibits transport, storage or disposal of dangerous wastes that is not in accordance with the regulations. This Law is used as a basis for the adoption of environmental regulations.

26. Turkey has been a Party to the Basel Convention since 20 September 1994. In accordance with the Convention, the illegal transport of dangerous wastes is prohibited in Turkey. Its dangerous waste control regulations, drawn up on the basis of the provisions of the Basel Convention embody the technical and legal principles applicable to the environmentally sound management of hazardous wastes in the light of current programmes and policies, and prohibit the import of any type of waste. In addition, the import of certain wastes with a metal content equal to or exceeding 65 per cent is regulated by the communication on controlled materials for the protection of the environment, published on 1 February 1996.

27. In the absence of installations for the disposal of wastes not harmful to the environment, waste generated in Turkey must in some cases be exported; such exports take place in accordance with the procedure laid down in the Basel Convention. The export of waste is based on a disposal plan, the technical capacity of the importing country and the agreement of that country's competent authorities. If waste is to be exported, prior permission for transboundary movement must be requested of the relevant Ministry of the Environment of the transit and importing countries.

28. Under Turkish regulations, the materials used in various industries are regarded as waste; if these materials possess the characteristics indicated in annex III to the Basel Convention, they are regarded as dangerous waste. Medical waste is covered by the medical waste control regulations. Furthermore, Turkey's Law on Dangerous Wastes lists the categories of wastes requiring special consideration referred to in annexes I and II to the Basel Convention, namely, medical wastes, excavation sludge, used lubricants, residues arising from incineration in special installations and gypsum.

29. As regards the use of cyanide in gold mining, Turkey states that the Eurogold Company intends to exploit a gold mine using the cyanide method in connection with the Izmir, Bergama and Ovacik gold mining project. According to the information available and the investigations it has carried out, the Ministry of the Environment understands that at most of the gold mines use will be made of "sodium-cyanide", which is a toxic substance, to separate gold from the mineral rock during the enrichment process. The cyanide will be transported and stored in briquettes not containing powder, in polypropylene bags, each one of which will be kept in a closed wooden case, in accordance with the regulations in force. The cyanide used initially (1.5 kg per tonne of ore) will, after enrichment, be chemically refined by the internationally-recognized INCO SS02-Air method. The cyanide content of the

waste leaving the installation will be measured and the waste will be discarded on a waste dump rendered impermeable by means of clay and a plastic lining.

30. The Ministry of the Environment authorized this project after reviewing the application, in other parts of the world, of environmental measures and conducting environmental impact studies in the light of Turkish regulations, and after taking the precautionary measures necessary. Nevertheless, persons living in the region concerned appealed the decision of the Ministry of the Environment concerning the Ovacik Gold Mining Project. Following a hearing, the competent court annulled the authorization granted by the Ministry of the Environment, which in turn has appealed the court's decision.

B. Information submitted by intergovernmental organizations

1. United Nations Environment Programme/Secretariat of the Basel Convention

31. UNEP and the Secretariat of the Basel Convention have informed the Special Rapporteur of the results of the fourth meeting of the Conference of the Parties to the Basel Convention, which was held in February 1998 at Kuching, Malaysia. The Conference decided not to amend annex VII to the Convention pending the entry into force of decision III/1 that prohibits the export of dangerous wastes from industrialized to developing countries. Annex VII lists members of OECD, the European Union and Liechtenstein as the countries which are required to prohibit the export of their hazardous wastes to countries not included in the list (developing countries). An attempt was made by Israel and Slovenia to have themselves included in annex VII, which would have delayed the entry into force of decision III/1 and opened the door to future revisions of the list. The entry into force of decision III/1 will constitute significant progress in efforts to curb the export of toxic wastes and dangerous products under cover of recycling. So far 16 ratifications have been recorded; 48 others are necessary for the amendment to enter into force.

32. The Kuching Conference also adopted a number of decisions on the following matters:

(a) Designation of competent authorities and focal points for the implementation of the Convention at the national level (decision IV/13): the Conference took note of two lists containing, respectively, the addresses of the focal points of 108 countries and of the competent authorities of 94 countries;

(b) Cooperation between the Basel Convention and the activities undertaken at the global level leading to the development of the legally binding instruments on trade in hazardous chemicals (decision IV/17): the Conference requested the Secretariat of the Basel Convention, under the guidance of the Technical Working Group, to continue its cooperation with UNEP, FAO, the United Nations Economic Commission for Europe, IMO and WHO with a view to developing legally binding instruments which would not overlap with the Basel Convention;

(c) Bilateral, multilateral and regional agreements or arrangements (decision IV/1): the Conference requested the Secretariat of the Basel Convention to establish and update a list of such agreements and to distribute it on a regular basis;

(d) Establishment of an Information Management System on Wastes (decision IV/15): the Conference took note of the progress reported on the establishment of a system of this nature and requested the Secretariat of the Basel Convention to develop it further and to promote access to it through the Internet;

(e) Establishment of regional or subregional centres for training and technology transfer regarding the management of hazardous wastes and other wastes and the minimization of their generation (decision IV/4): the Conference took note of the progress made in the establishment of such centres. It welcomed the establishment of the Regional Centre in Bratislava for Central and Eastern Europe thanks to the financial support of Switzerland and Slovakia's contribution in kind; the feasibility studies conducted with the help of the German Government with a view to the establishment of a subregional centre for English-speaking countries in Africa; and the feasibility studies carried out by UNEP with the financial assistance of the Swedish Government with a view to the establishment of subregional centres for Arabic-speaking and French-speaking African countries.

33. In accordance with decision IV/19 of the Kuching Conference, the Working Group of Legal and Technical Experts continued its consideration of the draft protocol on liability and compensation for damage resulting from transboundary movements of hazardous wastes and their disposal at its seventh session (Geneva, 7-9 October 1998) without, however, being able to adopt a final text. The draft protocol in its present form is contained in document UNEP/CHW.1/WG.1/7/2.

34. The Special Rapporteur was also informed of the signature, on 10 September 1998, under the auspices of UNEP and FAO, of a new Convention on Harmful Chemicals and Pesticides. This Convention will help to reduce the danger to the environment and health posed by trade in and the use of dangerous and toxic products; it will protect millions of peasants, workers and consumers in the developing countries.

35. This will be achieved by helping Governments to prevent chemicals that they safely manage from being imported into their country. If a Government does choose to accept an import of a hazardous chemical or pesticide, the exporter will be obliged to provide extensive information on the chemical's potential health and environmental dangers. In this way, the Convention will promote the safe use of chemicals, at the national level, particularly in developing countries, and limit the trade in hazardous chemicals and pesticides.

2. International Atomic Energy Agency

36. IAEA informed the Special Rapporteur of the adoption, on 5 September 1997, of a Joint Convention on the Safety of Spent Fuel Management. It was opened for signature on 29 September 1997 and so far it has been signed by 34 States and ratified by 3.

37. The Joint Convention is the first international instrument to address the safety of the management of storage of radioactive waste and spent fuel in countries both with and without nuclear programmes. It recognizes the right of any State to ban the import into its territory of foreign spent fuel and radioactive waste. Article 27 on transboundary movement is based on the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste. It requires a Contracting Party which is a State of origin to take the appropriate steps to ensure that a transboundary movement is authorized and takes place only with the prior notification and consent of the State of destination. Transboundary movement through States of transit is subject to those international obligations which are relevant to the particular modes of transport utilized.

38. A Contracting Party which is a State of destination may consent to a transboundary movement only if it has the administrative and technical capacity, and the regulatory structure, needed to manage the spent fuel or the radioactive waste in a manner consistent with the Convention. A Contracting Party must not licence the shipment of its spent fuel or radioactive waste to a destination south of latitude 60° South for storage or disposal.

39. Article 32 of the Convention establishes a binding reporting system for Contracting Parties to address all measures taken by each State to implement each of the obligations under the Convention. Finally, the preamble to the Convention makes reference to both the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, as amended (1994), and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal.

40. In September 1994, by resolution GC(XXXVIII)/RES/15, the IAEA General Conference called upon member States "to take all necessary measures to prevent illicit trafficking in nuclear material" and invited the Director General "to intensify the activities through which the agency is currently supporting member States in this field". The IAEA document entitled "Security of material: measures against trafficking in nuclear materials and other radioactive sources" (GC(42)17 of 2 September 1998) describes the Agency's activities in this area.

3. Centre for International Crime Prevention (CICP)

41. One of the mandates of the Centre for International Crime Prevention is to provide advisory services and technical assistance to member States in establishing appropriate machinery for applying criminal law in the protection of the environment.

42. The Centre drew attention to Economic and Social Council resolution 1996/10 of 23 July 1996 by which it decided that the issue of

criminal law in the protection of the environment should continue to be one of the primary concerns of the Commission on Crime Prevention and Criminal Justice at its future sessions. In the same resolution, the Council recognized the importance of enhancing international cooperation in the enforcement of domestic and international environmental criminal laws, of promoting operational activities in that area and of protecting the environment not only at the national level but also at the international level. Moreover, the Council requested the Secretary-General to seek the views of member States in order to determine the feasibility of establishing appropriate machinery for applying criminal law for the protection of the environment, and to establish and maintain close cooperation with member States and other bodies active in the field of environmental protection, particularly in the area of technical cooperation of assistance, and to continue gathering information on national environmental criminal law and regional and multinational initiatives.

43. The report on the sixth session of the Commission on Crime Prevention and Criminal Justice (E/1997/30-E/CN.15/1997/21) indicates that the Commission emphasized the crucial role of criminal law in the protection of the environment also in the context of illegal trafficking in hazardous and nuclear substances (paras. 79 and 80). During the session, representatives of member States stressed that CICP (previously referred to as the Crime Prevention and Criminal Justice Division) should facilitate cooperation at the national, regional and international levels with a view to effectively combating environmental crime (para. 81).

4. Council of Europe

44. The Council of Europe has drawn attention to the European legal instruments which are designed to protect the environment and which indirectly help to prevent illegal traffic in toxic wastes and dangerous products.

45. Two international treaties have been concluded under the aegis of the Council of Europe: the Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment and the Convention on the Protection of the Environment through Criminal Law.

46. The Council of Europe's Convention on Civil Liability for Damage resulting from Activities Dangerous to the Environment has so far been signed by nine member States. The Convention on the protection of the Environment was opened for signature on 4 November 1998, on which date it was signed by seven States. Both Conventions require three ratifications to come into force.

47. In addition, several resolutions on pesticides and other chemical products likely to have effects on human health have been adopted in the framework of the Partial Agreement in the Social and Public Health Field. The most recent ones concern surface coatings and food processing and contamination.

48. Furthermore, the Parliamentary Assembly of the Council of Europe is preparing a report on "Energy Cooperation in the Baltic Region". One of the rapporteurs is likely to point out that some Baltic countries still lack

proper treatment facilities for toxic waste and that not all of the region's countries have ratified the Basel Convention. The Assembly might call for further efforts in this direction.

49. The Congress of Local and Regional Authorities of Europe (CLRAE) organized a conference on "Nuclear safety and local/regional democracy" in Gothenburg, Sweden, from 24 to 26 June 1997. The final resolution of the Conference stated that "it is crucial to ensure access to all relevant information for the public, to involve local and regional authorities and the public in decision-making and to seek public confidence in principles that govern the safety of repositories and in waste management programmes" (for the proceedings of the Conference, see the Council of Europe series "Studies and Texts", No. 57).

III. REVIEW OF CASES AND INCIDENTS SUBMITTED TO THE SPECIAL RAPPORTEUR

50. The following cases were transmitted to the Governments concerned by the Special Rapporteur. The replies received are also presented below; if no reply was received within a reasonable time, this is indicated.

A. China/Germany/Netherlands/Haiti: Shipping of contaminated pharmaceuticals to Haiti (communications dated 28 May 1998)

1. The facts

51. According to the communication received, from 1996 to 1997 at least 88 children in Haiti died of acute kidney failure after taking the contaminated liquid acetaminophen (trade name: Afebril), often used to fight fevers, made by a pharmaceutical company in Haiti. The Haitian acetaminophen was contaminated with an automobile antifreeze ingredient called diethylene glycol.

52. The company Vos BV located in Alphen aan de Rijn (Netherlands) knew that the glycerine (the medical raw material for the medication) which it delivered to Haiti in 1995 and which caused the deaths of the Haitian children was not pure. An investigation revealed that the company had sent a sample of the glycerine to a laboratory to be examined before delivering it to the designated recipient. Although the test results showed that the glycerine was not suitable for medical use, it was still sold, via a German company, with a "pharmaceutical quality" certificate.

53. After questions were raised about its role by the Netherlands Ministry of Public Health and the United States Food and Drug Administration (FDA), the responsible government agencies for food and drugs, Vos stated last year that the glycerine had not been tested by a laboratory. However, the glycerine appears in fact to have been tested in late February 1995, around the time it was transported from Amsterdam to Haiti, by SGS Laboratory Services in Dordrecht. According to an SGS employee, the company has carried out laboratory research for Vos "for years".

54. According to a copy of the test report, the glycerine only had a purity of 53.9 per cent. According to international pharmaceutical standards, glycerine must have a purity of at least 95 per cent. Vos BV pasted labels on

the barrels of glycerine bearing the certificate "GLYCERINE 98 PCT USP": the designation "USP" (United States Pharmacopoeia) is an internationally recognized qualification for processing in the pharmaceutical industry. Vos still refuses to comment on the matter.

55. The incident came to light in July 1997 after dozens of children died in Haiti after taking paracetamol syrup for fever, sore throat and headache. The syrup, of which the glycerine delivered by Vos was an important part, was produced by the Haitian pharmaceutical company Pharval.

56. In 1997, the Haitian Government requested help from FDA to carry out an investigation to discover the origin of the glycerine. FDA staff visited different countries to do this, including the Netherlands. A report release by FDA revealed, among other things, that the glycerine was mixed with the antifreeze diethylene glycol. In high doses, this product is fatal for children.

57. During this investigation it was also revealed that Vos had stored 72 barrels of glycerine in a rented warehouse in Rotterdam harbour. On 14 December 1994, the glycerine arrived in the harbour on board a Chinese freighter. A fax dated 16 January 1995 from Vos BV to the Rotterdam warehouse - which asked not to be named - reveals that Vos requested a 250 ml sample of the glycerine to be taken. That was a month before the glycerine was sold to the German trade firm CTC through a paper transaction. The sample was to be sent to Alphen aan de Rijn. A staff member of the Rotterdam warehouse company declared that Vos BV regularly gave such orders. According to the laboratory's analysis report, on 21 February 1995 Vos asked SGS Laboratory Services to examine the glycerine sample. In the meantime, the barrels of glycerine were taken from Rotterdam to Amsterdam by truck and loaded onto a ship, owned by Nedlloyd, that set sail for Haiti on 25 February. On 2 March 1995, SGS sent its report to Alphen aan de Rijn in which it stated that the glycerine was not of the required quality.

58. Earlier in 1997, a Dutch Labour Party parliamentarian, J. Verspaget, attempted to push for a legal investigation; however, the Public Health Minster, Mr. Borst, saw no reason to do so as there was "no reasonable suspicion" of guilt.

59. Since the beginning of the affair, Vos has directed all requests for reactions to its German parent company, Helm AG whose head office is in Hamburg; Helm AG refuses to discuss the matter further. This firm is one of the largest European chemical and pharmaceutical companies in the world with a global turnover of more than 6 billion deutsche mark. In the German media, Helm AG has already been linked to problems involving the delivery of pharmaceuticals to Third World countries. Employing about 1,300 persons, it has offices in more than 30 countries across Europe, North and South America, Asia and Africa.

60. In August 1997, two Netherlands Public Health Inspection Service officials spoke with Vos. According to the Ministry of Public Health, at that time, Vos said nothing about the laboratory test done on the glycerine. According to the Ministry, staff members of Vos BV told the inspectors that a sample was taken but was not analysed by a laboratory. The sample was only

taken, according to Vos, as potential proof if a problem regarding the transaction should develop with the client. At Vos BV, it was not unusual for chemical and pharmaceutical raw materials to be examined by SGS Laboratory Services in Dordrecht. The glycerine delivered by Vos originated in China, but the FDA has never been able to determine the producer. The conclusions of the Netherlands inspectors were included in the FDA report on the matter. An FDA staff member who visited Alphen aan de Rijn in July 1997 was told the same thing as the Netherlands inspectors by the company's officials, including its director, E. Huisman. "They told me that they had taken a sample, but that the sample was never treated", she said.

61. According to the Netherlands attorney, E. Van der Wolf who, together with a German colleague, represents the Haitian pharmaceutical company Pharval and the parents of the children who died, the Netherlands Justice Department can no longer avoid a criminal investigation. The new facts, according to Mr. Van der Wolf, also make it possible to complete the prepared civil proceedings against Vos BV and the German parent company Helm AG.

62. Until now, the directors of Vos BV continue to deny that the company knew about the glycerine's impurity. They declared that the material had not been analysed by a laboratory. The NRC Handelsblad published the test report of SGS Laboratory Services, which showed that the glycerine's purity was under 54 per cent. Vos received the report at the beginning of March 1995. The ship containing the glycerine had just sailed. It would have been possible for this information to be passed on so that the Haitian firm Pharval, which mixed the glycerine into the paracetamol syrup, could have been warned.

2. Reply of the German Government (letter of 14 October 1998)

63. The alleged shipment of contaminated glycerine by the Dutch company Vos BV to Haiti in 1995 has been conducted from Rotterdam. Although at the time Helm AG was the mother company of Vos BV there are no indications that the glycerine may have originated in Germany. On this basis, there is no reason to assume that contaminated glycerine has been illegally exported from Germany. Therefore no further investigations of this matter have taken place in Germany.

3. Reply of the Chinese Government

64. There have been accusations that synthetic glycerine exported by Chinese companies caused the poisoning of Haitian children. The Chinese Government, which is profoundly shocked by this misfortune, takes these accusations extremely seriously. According to investigations carried out by the ministries concerned, Chinese firms have never exported glycerine to Haiti. Chinese enterprises that export glycerine enjoy a good commercial reputation and comply with international trading standards.

4. Absence of reply

65. No reply has been received from the Haitian Government. No reply has been received from the Netherlands Government.

B. United States/India and other developing countries: export of United States Navy and other United States vessels to extremely hazardous recycling operations in India (communications dated 3 June 1998)

1. The facts

66. It has been reported that the Government of the United States is supporting the continued export of United States Navy vessels and other ships to extremely hazardous recycling operations in developing countries. The Interagency Ship Scrapping Panel gave its support to the scheme even while acknowledging that the ships were likely to contain very hazardous substances such as asbestos and PCBs, and that developing countries lack the environmental or occupational safety standards necessary to prevent harm.

67. It is alleged that the United States views the developing world as a promising repository for its hazardous waste problems, including a whole generation of asbestos and PCB-laden ships. The primary destination of ships for scrap is the port of Alang in the State of Gujarat in India. There, 35,000 poor labourers working in primitive conditions cut open the ships with blowtorches and chisels. Deaths or crippling accidents occur almost daily and exposure to toxic compounds goes completely unregulated.

2. Reply of the Indian Government (fax of 6 October 1998)

68. The competent administrative service, namely, the Directorate of Shipping, has informed the Special Rapporteur that the allegation has not been transmitted to it. The Special Rapporteur has once again transmitted the allegation and is awaiting a reply.

3. Reply of the Government of the United States (letter of 13 October 1998)

69. At present, the Department of Defense is not exporting United States Navy or other vessels for scrapping overseas. In fact, on 19 December 1997, the Secretary of the Navy issued a moratorium suspending such activity until the process of scrapping a ship has been thoroughly studied.

70. The Department of Defense does not consider its vessels to be toxic or hazardous, nor does it regard their export for scrapping to be an export of toxic or hazardous waste, notwithstanding the fact that the scrapping process may result in some waste materials being generated. On 24 December 1997, the Department of Defense established an Interagency Ship Scrapping Panel. The purpose of the Panel is to review the Department of Navy and United States maritime administration programmes to scrap vessls and to investigate ways of ensuring that vessels are scrapped in an environmentally sound, safe and economically feasible manner.

71. In August 1997, before the establishment of the Panel, the Department of Defense had considered exporting vessels that it had owned or formerly owned for scrapping. As a first step in the process, in accordance with United States policy, the Department of Defense provided a general notification to 10 countries and the administrative area of Taiwan that the

United States allows the export of such vessels and that, like the vessels of other vessel-exporting countries, such vessels may contain polychlorinated biphenyls (PCBs) in some solid materials, added as plasticizers or fire-retardants during the manufacturing process. The notification identified the potential PCB-containing materials to include paints, rubber products, felt gaskets, machinery mounts, adhesives and electrical cable insulation. It also stated that liquid PCBs would be removed from the vessels before export. None of the countries receiving the notification of the potential vessel export programme responded to it.

72. In a summary of the report of the Interagency Panel on Ship Scrapping, communicated to the Special Rapporteur, the Department of Defense recommends that the option to scrap vessels both domestically and internationally should not be foreclosed, subject to the report's other more specific recommendations. In the light of these other more specific recommendations, such as a ship scrapping pilot project to analyse the scrapping process, and the Secretary of the Navy's moratorium suspending any efforts exploring options to dispose of United States Navy ships overseas, the Department of Defense has no immediate plans to export ships for the purpose of scrapping.

C. Madagascar: dumping of toxic products in the Indian Ocean (communication of 2 October 1998)

1. The facts

73. The Special Rapporteur has been informed that several thousand fish died recently in the Indian Ocean off the port of Manakara, south-east of Madagascar. Radio Madagascar, quoting port officials, allegedly stated that the fish died as a result of poisoning and that there was a foul smell in the port area. The fear was expressed that a number of persons might have collected and eaten the fish.

74. According to the authors of the communication, this is not the first time that an incident of this nature has occurred. In 1993, 100 persons allegedly died in the same region after eating shark meat. It is also said that other people died in 1994 and 1995 because of the same sort of thing.

2. Absence of reply

75. No reply has been received from the Malagasy Government.

D. Reply of the Canadian Government to the allegations contained in the report E/CN.4/1997/19 (letter of 6 February 1997)

76. The Canadian Government states that the Special Rapporteur had drawn its attention to two allegations in which Canada was said to be concerned either as a State where traffic of toxic or dangerous products and wastes originates or as a State recipient of such traffic. The first allegation involved a mining waste spill in the Philippines by a company apparently owned by Marcopper Mining Corporation, an Asian mining firm in which Canada's Placer Dome Inc. is reported to have 40 per cent ownership. The second allegation

concerned mine tailings finding their way into a river in Papua New Guinea and involved Placer Nuigini, a local subsidiary of Placer Dome Inc., which exploits the Porgera mine (E/CN.4/1997/19, para. 44).

77. The Canadian Government understands that Placer Dome Inc. of Vancouver (British Columbia) transmitted to the Special Rapporteur a detailed letter from its Senior Vice-President, Environment, which concluded:

> "Based on a review of the above information and the material to be delivered separately I would hope that you can conclude that the situations at Marcopper and Porgera are not of an illicit nature and are not creating adverse health effects. When people's lives have been inconvenienced as with the Marcopper tailings release, compensation is provided as justified by the circumstances."

78. In its reply, Canada expresses concern about the procedure followed in the matter: the report of the Commission on Human Rights on its fifty-third session (E/CN.4/1997/19), which covers the two allegations, was dated 5 February 1997, one day before the date of the letter bringing them to the attention of the Canadian authorities. Any allegation of this nature should be included in the report only after the State concerned had been given a reasonable opportunity to reply to it. Provided that the State's reply is not unduly delayed, it too should be included with the allegation in the report. In the Canadian Government's opinion, the inclusion of the State's reply as an addendum to the report, to be published at a later date, did not constitute procedural fairness. Nevertheless, since the allegations contained in the letter of 6 February remained before the Commission on Human Rights and on public record, the Canadian Government requested the Special Rapporteur to bring the following reply to the Commission's attention at the earliest opportunity.

79. The Canadian Government also drew the Special Rapporteur's attention to the fact that, at its meeting on 20 February 1997, the Extended Bureau of the third Conference of the Parties to the Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and their Disposal considered the relation of the work of the Commission on Human Rights to the Basel Convention. Canada, as a State party to the Basel Convention, fully supports the Bureau's approach to this matter, the conclusions of which are contained in the report on that meeting (UNEP/SBC/BUREAU.3/5/3 of 21 February 1997).

80. A review of the allegations contained in the report (E/CN.4/1997/19, paragraph 44) provides no indication that Canada is an originator of toxic or dangerous wastes and products going to the countries cited, that it is a recipient of such traffic, or that it is in a legal position to regulate matters in the territories in which the alleged incidence occurred.

81. In the Canadian Government's view, the mere fact that a corporation operating in the Philippines or Papua New Guinea may have ties with a Canadian corporation does not make Canada a State where traffic of toxic or dangerous products and wastes originates. The commercial ventures in question operate in the countries in which the alleged pollution was created. No traffic or

movement of any substance from Canada to such countries occurred. The Canadian Government therefore considers that these matters fall outside the Special Rapporteur's mandate.

82. The Government considers that, because no transboundary movement originated from Canada in respect of either allegation, no question arises regarding illegal trafficking under the Basel Convention. However, as a State party to that Convention, Canada fully supports the efforts of the over 100 States parties to the Convention (including the Philippines and Papua New Guinea) to address the issue of illegal trafficking in hazardous wastes on an ongoing basis. Canada's domestic law, which regulates exports of hazardous wastes destined for transboundary movement, enables it to comply with its international obligations.

83. Enterprises operating in the Philippines and Papua New Guinea are subject to regulation by those States as a matter within their sovereign jurisdiction. The Canadian Government emphasizes that the Government of the Philippines, in its reply reproduced in paragraph 30 of the report (E/CN.4/1997/19) states that "no occurrences of illegal movement and dumping of toxic and dangerous products and wastes in the Philippines were reported by the Government".

84. In its reply, the Canadian Government recalls that the Special Rapporteur's mandate, as set out in Commission on Human Rights resolution 1995/81, is to "produce annually a list of the countries and transnational corporations engaged in the illicit dumping of toxic and dangerous products and wastes ...". The Government considers that, in the allegations regarding Canada, the Special Rapporteur has confused the issue by implying a linkage between the Government of Canada and activities in other countries of the companies cited, thereby implying the Canadian Government's responsibility for which there is no legal basis. It emphasizes that Placer Dome Inc. is not owned by the Government of Canada.

E. Reply of the Netherlands Government to the allegations contained in the report E/CN.4/1997/19 (letter of 3 July 1998)

85. The Netherlands Government replied in April 1997 to allegations concerning (a) the export of zinc scrap to India and (b) Shell/Nigeria (see E/CN.4/1997/19, paras. 54 and 55). Beginning with a few introductory observations of a general nature, it states that, as a matter of procedural fairness, it would have been preferable if Governments had been given sufficient time to respond to allegations brought to the Special Rapporteur's attention and if their replies had been included in the report.

86. The Netherlands is of the opinion that unsubstantiated claims should not be included in the Special Rapporteur's report. The allegations directed at the Netherlands are an example. The summary of the Bharat Zinc case, for example, states that "allegedly Bharat Zinc imports thousands of tonnes of metal waste and apparently the workers in the factory are neither informed, etc. ...". No substantiated facts or data are included, and it is not clear who is making the allegation.

87. Furthermore, the Netherlands is concerned about possible duplication with arrangements under the Basel Convention on Hazardous Wastes, to which 116 countries are party. The Secretariat of the Basel Convention has a very clear mandate to report and consult countries allegedly involved in illegal traffic of hazardous waste.

88. Although the Government of the Netherlands responds to both allegations contained in the report, it is of the opinion that the case of Shell/Nigeria is not covered by the Special Rapporteur's mandate.

Allegations levelled at the Netherlands in the Bharat Zinc affair

89. The report in question states that the Netherlands and the United States are the main exporters of zinc scrap to the Bharat Zinc company in India, that this company disposes of the residues without the proper facilities for doing so, thereby causing air pollution, and that the company's employees are inadequately protected against the effects of hazardous waste.

90. That information is not entirely correct, since the Netherlands ceased exporting zinc scrap to Bharat Zinc in India in September 1995. Up to 6 May 1994, the relevant regulations on the import, export and transit of hazardous waste provided no scope for objections to be lodged against plans to export waste of this kind. On that date, Directive 259/93 of the European Community on the supervision and control of shipments of waste within, into and out of the European Community entered into force. Where the zinc is to be recovered (for a useful application) zinc scrap can be designated as either a green or amber list substance, and this distinction has a major influence on the procedure to be followed. In principle, no restrictions apply to the export of green list substances (although they must be destined for processing in a properly licenced installation), while a notification procedure applies to amber list substances. This distinction was not, however, relevant to India as that country had announced that it also wished to control shipments of green list substances by means of a notification procedure.

91. Between 6 May 1994 and September 1995, a few notifications were received of plans to export zinc scrap to India. As the competent Indian authorities had granted permission for the import of such waste, and in the absence of policy-related objections, permission was granted. In September 1995, information was received from Greenpeace that environmentally unsound processing methods were possibly being applied to this waste. In response, all exports of zinc waste to India were banned until further notice, and since then no more zinc has been exported.

92. The Indian Government recently informed the European Commission that the import of green list zinc scrap was no longer subject to a notification procedure. In principle, no more restrictions apply to the export of such zinc waste (the competent Indian authorities have issued all relevant licences to Bharat Zinc, which is indeed regarded as a model company). However, as far as the Netherlands authorities know, this change in the attitude of the Indian authorities has not led to the resumption of exports of this waste from the Netherlands to India.

93. From the above the Netherlands Government concludes that, with regard to the export of zinc waste to India, every necessary precaution has been taken by the Netherlands.

Allegations concerning Shell/Nigeria

94. The Netherlands considers that it has no jurisdiction over the Shell Petroleum Development Company of Nigeria, since that Shell subsidiary was established under Nigerian law. The Netherlands authorities cannot therefore institute proceedings under either civil or criminal law in response to allegations concerning forms of environmental pollution for which this company may be responsible. As Nigerian law is applicable, the allegations should be taken up with the Nigerian Government.

IV. CONCLUSIONS AND RECOMMENDATIONS

95. The Special Rapporteur draws the attention of the Commission on Human Rights to the conclusions and recommendations set out in her previous reports, and in particular those in the report E/CN.4/1998/10 (paras. 53 to 106) and its addendum 2, which contains recommendations in connection with her visit to Africa (paras. 54 to 63). Those conclusions and recommendations remain valid and should be referred to during the consideration of the present report. She also draws the Commission's attention to the conclusions and recommendations contained in the addendum to the present report concerning her visit to Latin America (E/CN.4/1999/46/Add.1). The Special Rapporteur submits below a number of additional observations and recommendations based on her work.

96. While expressing thanks to all Governments for their cooperation, the Special Rapporteur wishes to express her dissatisfaction with the substance of the replies to the allegations brought to their attention. A number of them confined their replies to statements challenging the competence of the Special Rapporteur and developing procedural arguments that evade the substance of the problem. Others stated that inquiries were being conducted at the national level but gave no further details. One Government said that exports of materials that might be dangerous had been suspended temporarily, but failed to indicate how long this suspension would last.

97. Two Governments in their replies once again emphasized the need to follow adversary procedure, namely, that States should be given a reasonable amount of time to reply to allegations and their replies included in the report containing the allegations. The Special Rapporteur wishes to point out that this procedure was indeed respected except in the case of replies to the allegations contained in the report (E/CN.4/1997/19). The reason for that exception, namely, administrative delays in the transmission of mail due to the restructuring of the Centre for Human Rights and staff redeployment, were explained to the Commission at the time the report was submitted (see also paragraph 20 of the report submitted to the Commission at its fifty-third session - E/CN.4/1997/19). The Special Rapporteur feels it her duty to recall that she furnished proof to the delegations concerned with which she spoke that the letters transmitting allegations to Governments had been drafted and signed by her in July 1997 when she visited Geneva at her own expense.

Although she understands the legitimate concerns of Governments, the Special Rapporteur considers it unfair that she should personally continue to be the target of such reproaches concerning a matter that has already been settled.

98. Furthermore, one Government appeared to confuse the Special Rapporteur's personal convictions with the allegations she was required to bring to its attention. The Special Rapporteur wishes to recall that so far she has not drawn any conclusions on the basis of the cases submitted to her, as indicated in her report; in that connection she refers to paragraphs 85 and 90 of the report submitted to the Commission at its fifty-fourth session (E/CN.4/1998/10).

99. Lastly, that same Government considers that the Special Rapporteur has "confused the issue by implying a linkage between" that Government "and activities in other countries of the companies" cited in the allegation. Furthermore, that Government considers it is not responsible for the activities of enterprises it does not own. The Special Rapporteur would welcome any constructive suggestions enabling her to simplify questions that are by their nature complicated. She would be the first to welcome measures that could be taken at the national and international levels to resolve problems raised by the activities of transnational corporations and to define responsibilities. One of the roles of human rights protection bodies is to seek and identify corrective measures that could be taken. One measure advocated by the Special Rapporteur, modelled on the example of other United Nations bodies, would be for States to adopt a code of conduct making the activities of transnational corporations more ethical, paving the way for sustainable development and reflecting the interests and needs of individuals and peoples. Another measure she has already advocated in her previous reports (E/CN.4/1997/19, para. 85; E/CN.4/1998/10, para. 101) would, on the model of the Convention on the Protection of the Environment through Criminal Law adopted by the Council of Europe (see paras. 45 and 46 above), be based on the concept of the criminal liability of enterprises and specify procedures by which proceedings could be instituted. Furthermore, the Special Rapporteur has already proposed that Governments should explore the possibility of ensuring that national enterprises should at least be required to comply with the laws of the host country; where necessary, they should be held responsible for their acts and practices under the law of the country of origin whose environmental standards were more strict. It would also be useful if countries of origin and transnational corporations were to help countries victims of criminal practices in prosecuting and punishing, through criminal proceedings if necessary, those responsible for such offences. The countries of origin of transnational corporations should also consider the possibility of offering remedies to individuals who consider themselves injured by the practices of such corporations.

100. The Special Rapporteur continues to receive various complaints regarding human rights problems connected with activities that fail to respect the environment. Although she decided not to deal with them under her mandate, she is of the view that the Commission on Human Rights should consider creating machinery for the examination of such complaints.

101. Out of respect for the adversary procedure, a number of complaints received at a late date have not been included - together with Government replies, if any - in the present report and will be dealt with subsequently.

102. The complaints received cannot in every case be processed properly because the information they contain about alleged facts or persons, enterprises or countries is vague. While she is aware of the difficulty of obtaining reliable information about a problem which in essence is connected with clandestine activities, the Special Rapporteur requests authors of communications to endeavour to identify the countries of origin and the transnational corporations allegedly engaging in the unlawful practices covered by her mandate, namely, the countries or places where such practices allegedly occurred and, if possible, the country or countries through which illegal traffic transited. It would also be useful to identify any victims and to specify which human rights had allegedly been violated (the right to health, life, privacy, freedom of expression, association or assembly, the right to receive and impart information, trade union freedoms and the right to healthy and safe conditions of work, for example). It is also important for the Special Rapporteur to know whether internal judicial remedies are adequate and efficient and whether they have been exhausted.

103. The Special Rapporteur notes that communications from Governments are rare and emphasizes that, without their contribution, she will find it difficult to undertake an objective and adversarial evaluation of the trends, characteristics and problems raised by the illegal dumping of toxic wastes and products. She appeals to States for their full cooperation so that all presumed or confirmed cases of illegal traffic can be brought to her attention.

104. The Special Rapporteur also requests States to provide information on action taken at the national level, on methods used to curb illegal traffic, as well as on the remedies available to complainants, so that data on positive practices likely to serve as examples for other States can be collected.

105. The Special Rapporteur appeals to States to take measures ensuring the effective exercise of the right to information, which is one of the cornerstones of human rights protection machinery and an essential element of any democratic system.

106. Since a number of national human rights committees do not have the right to receive or deal with communications alleging human rights violations connected with environmental matters, which are often the province of other bodies, the Special Rapporteur advocates the development of an integrated approach and method for dealing with such interrelated questions.

107. The Special Rapporteur notes with concern that a number of confirmed cases of illegal traffic in toxic wastes have not been solved in a satisfactory manner, either from the standpoint of the obligation to seek out and prosecute those allegedly responsible or of the duty to assist the victim countries in accordance with the principle of returning such waste to the country of origin, if known, or if not, to other States capable of managing it

in an environmentally sound manner. She therefore recommends that international assistance should be provided more rapidly and on a larger scale.

108. The Special Rapporteur has been informed of cases of the alleged disposal of dangerous products and outdated medicaments in the context of emergency humanitarian assistance operations in Central American countries affected by natural disasters. Although she has been unable to confirm such allegations, she recalls that similar cases have occurred in the past, for example in Albania, and urges States, international organizations, relief bodies and NGOs to be very much on their guard.

109. The Special Rapporteur notes with satisfaction the progress made with the establishment of regional training and technology centres, and once again emphasizes the need to strengthen the capacity of the developing countries to curb illegal traffic. In the same spirit, she is in favour of elaborating a legal instrument restricting trade in dangerous chemical substances as well as the ratification and amendment of the Basel Convention which prohibits the export of dangerous wastes from industrialized to developing countries (decision III/1).

110. It is vital that bilateral, regional and multilateral cooperation should be strengthened in order to achieve the following objectives of the international community on the basis of appropriate regional and international instruments:

(a) Reducing transboundary movements of hazardous wastes and toxic products;

(b) Prohibiting the export, including export for recycling, of such wastes and products to developing countries not possessing the appropriate capacity;

(c) Ensuring the ecologically sound transformation and management of such wastes and products;

(d) Providing adequate assistance to the countries concerned;

(e) Preventing and strictly controlling transboundary movements; and

(f) Preventing and curbing illegal traffic.

111. During her missions, the Special Rapporteur noted that the public at large, NGOs and local bodies responsible for environmental problems and human rights were not sufficiently familiar with her mandate. She therefore requests the Office of the High Commissioner for Human Rights to publicize her mandate to a greater extent, and specifically by disseminating a brochure and by presenting on an Internet site practical information on the subject and about what is being done.